IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3868 of 2007()

CRIME NO.292/2006 OF VALANCHERY POLICE STATION

: PETITIONER/IST ACCUSED

SHIHABUDHEEN, S/O.SAIDALAVI, AGED 21
YEARS, CHOLAYIL PARAMBIL HOUSE,
ATHAVANAD AMSOM, KODASSERIPARA,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERAL, ERNAKULAM, REPRESENTING
SUB INSPECTOR OF POLICE, VALANCHERY POLICE
STATION, MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.Nos.3868, 3869 and 3876 of 2007

Dated this the 27th day of June, 2007

ORDER

The common petitioner in these three petitions is the 1st accused facing allegations in three different crimes, in all of which the allegation now raised is the one under Section 395 I.P.C. On 14.08.2006, 25.08.2006 and 26.08.2006, three separate incidents took place, in which a daily collection agent, a driver of a jeep and a money lender business man travelling on a scooter were all attacked and robbed of amounts in their possession. In all the three crimes, the allegation is that the petitioner along with the co-accused indulged in the objectionable acts, attacked the victims and robbed amounts from them. The petitioner was not available for arrest for a long period of time. At long last, the petitioner has been arrested on 07.06.2007. Investigation in two crimes is complete. Final reports have been filed. In the third crime - the one relating to B.A.No.3868 of 2007, the investigation is not complete.

2. The learned counsel for the petitioner submits that the allegations are all totally false and are raised with vexatious intent. At any rate, the co-accused having already been released on bail, it is not necessary to insist on continued detention of the petitioner for any further period of time, submits counsel. In these circumstances, the

counsel prays that the petitioner may be enlarged on bail subject to any appropriate terms and conditions.

3. The learned Public Prosecutor opposes the applications on various grounds. It is first of all submitted that the release of the petitioner will only afford and facilitate commission of more crimes by the petitioner who has a questionable past history of crimes. Secondly it is submitted that, at any rate, the investigation in one of the crimes is not complete and the petitioner has remained in custody only from 07.06.2007. It is too early to direct release of the petitioner on bail, it is submitted.

4. I have considered all the relevant inputs. I find merit in the opposition by the learned Public Prosecutor. I am satisfied that the petitioner is not entitled to be enlarged on bail at this early stage, he having been arrested only on 07.06.2007 and the investigation into one of the crimes having not been completed so far. In these circumstances, notwithstanding the fact that the co-accused, who were arrested much earlier, have been released on bail, I am satisfied that the petitioner is not entitled to be released on bail.

5. These bail applications are, in these circumstances, dismissed. I may, however, hasten to observe that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation, not at any rate, prior to 11.07.2007. The investigator

shall make every endeavour to complete the investigation in all the three crimes by then.

(R.BASANT, JUDGE)

rtr/-